

Appl. No. 10/821,052  
Amdt. Date: January 12, 2009  
Reply to Office action: January 27, 2009

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### REMARKS/ARGUMENTS

Please reconsider the application in view of the above amendments and the following remarks. Claims 1, 4-5, 10-11, 14-15 and 19 remain in this application.

#### **Claim Objections**

Claims 10 and 15 are objected to because of informalities. Applicants have amended the claims to address the cited informalities.

#### **Claim Rejection under 35 U.S.C. § 103**

Claims 1, 11, 15 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MURASAWA et al (US 6,760,594) in view of GLISIC et al. (US 5,754,541) This rejection is respectfully traversed.

The examiner asserts that Glistic teaches broadcasting information about the current load of a base station based on comparison of the current load with channel capacity. The examiner further states that the terminals are informed about the load in the form of enable/disable/reset signals. Although that is a particular type of broadcasting, it is still the broadcasting of one of three different messages. This form of message broadcasting does not encompass the frequency of broadcasting the message or any variation in the sequencing of the broadcasted connection availability message as described and claimed in Applicants' present invention.

Applicants have amended claims 1, 10 and 11 to cover the varying of the frequency of broadcast of the connection availability message and the varying the sequence of a broadcast signal representing the connection availability message which reflects The embodiments of the present invention broadcast the availability message at different frequencies of transmission and length of transmission based on the closest threshold level that has been exceeded. Paragraph [0027] and Figure 6 describe these various transmission rates and lengths.

The messages for the different levels can vary in frequency of broadcast and in the type of message. The broadcast message when the number of connected calls exceeds the 90 percent threshold may be an icon 31 that

Appl. No. 10/821,052

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appears on the display of the mobile device for a defined time (maybe 15 seconds). This periodic appearance could be in intervals of 2 to 5 minutes. As the number calls increases and exceeds the 95 percent threshold level, the periodic appearance of the icon would increase to intervals of 2 to 3 minutes. When the threshold levels reached approximately 100 percent the appearance of the icon 31 could be every minute for 20 seconds.

To establish a prima facie case of obviousness, there must some teaching or suggestion to combine the references. Applicant submits that the Examiner has failed to present a prima facie case of obviousness. As indicated above, Murasawa, the primary reference, fails to teach or teaches away from (inter alia) the step of broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower.

Glasic fails to provide the deficiencies of the broadcasted connection availability message of the present invention which varies the frequency of broadcast of the connection availability message and the sequence of a broadcast signal representing the connection availability message which reflects being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Thus, Glasic fails to teach the missing limitations.

Therefore, Applicants assert that there is no establishment of prima facie obviousness as a result of a combination of Murasawa and Glasic. Neither Murasawa nor Glasic describe a particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity.

### **Claim Rejection under 35 U.S.C. § 103**

Claims 4, 5, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MURASAWA et al (US 6,760,594) in view of GLISIC et al. (US 5,754,541) and HASSLER et al. (US 5,751,795) This rejection is respectfully traversed.

Hassler describes a telephone switching system (100), such as an ACD switching system in a call center, is used to broadcast information for users, such as displayable messages, to telecommunications terminals (110-112, 212), such as display telephones or

Appl. No. 10/821,052

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data terminals, of a plurality of the users, such as call center agents, by means of non-call-associated display messages that are transmitted over the terminals' telephone lines (120-122), at the request of one of the users, such as the supervisor of the call center. In Applicants' method, the broadcast is initiated by the tower and based on the connected number of calls. Further, Hassler fails to provide the claimed limitation of the broadcasted connection availability message and particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Hassler teaches a telephone switching system that broadcast information for users such as displayable messages to the telecommunication terminals of a plurality of users. However, Hassler does not describe a feature in which the process of how the information is communication is part of the information being communicated. Further, Hassler does not provide the multiple threshold detection described in the present invention.

To establish a prima facie case of obviousness, there must some teaching or suggestion to combine the references. Applicant submits that the Examiner has failed to present a prima facie case of obviousness. As indicated above, Murasawa and Glisic, the primary references, fail to teach or teaches away from (inter alia) a particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Further, the manner of broadcasting conveys information along with the content of the message. Thus, Murasawa and Glisic alone or in combination with Hassler fails to support a finding of obviousness. Therefore, Applicants assert that there is no establishment of prima facie obviousness as a result of a combination of Murasawa and Glisic and Hassler.

In view of the above explanation, Applicants respectfully submit that none of the art of record (alone or in combination) teaches, discloses or even suggests the invention as recited in each of Applicant's claims. Applicant further submits that all of the pending claims are in condition for allowance. Withdrawal of the rejections and passage to issuance is respectfully requested. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief

Appl. No. 10/821,052

Amdt. Date: January 12, 2009

Reply to Office action: January 27, 2009

is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number.

Respectfully Submitted,



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